

Appln. No.: 10/688,095

Attorney Docket No. 10541-1865

**III. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claims 1-3 have been cancelled and claims 3-19 remain pending.

***Specification***

The examiner contends that the specification does not disclose that the bounce, pitch and roll transmissibilities vary with respect to a frequency of vibration. However, paragraph [033] discusses the relationship of the bounce, pitch, and roll accelerations to the bounce, pitch, and roll control signal with respect to the frequency of vibration. From this discussion, one of ordinary skill in the art would understand that the bounce, pitch and roll transmissibilities would vary with respect to a frequency of vibration.

***Allowable Subject Matter***

Applicant respectfully acknowledges the examiner's indication that claims 11-13 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.



BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60611-5599

Appln. No.: 10/688,095

Attorney Doc #et No. 10541-1865

***Claim Rejections - 35 U.S.C. § 112***

Claims 1-13 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The examiner contends that the limitation "dependent on minimization of the bounce, pitch, and roll transmissibility" is ambiguous. The Applicants have amended the independent claims removing this limitation to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

***Claim Rejections - 35 U.S.C. §103(a)***

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,911,768 to Sasaki (Sasaki).

Claims 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,911,768 to Sasaki (Sasaki) in view of U.S. Patent No. 5,075,855 to Sugasawa, et al. (Sugasawa).

New claims 14 and 15 correspond to previously rejected claims 3 and 8, respectively. With regard to claims 4, 14, and 15, Applicant suggests that a *prima facie* case for obviousness has not been established by the examiner. "The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. The examiner has not provided factual support that the subject matter of claims 4, 14, and 15 would have been obvious at the time of the invention to a person of ordinary skill in the art. "To



BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60611-5599

Appln. No.: 10/688,095

Attorney Docket No. 10541-1865

support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte, Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

Applicants respectfully submit that a system for controlling bounce, roller, and pitch transmissibility including a control signal having a ride control component, a handling control component, and a dive/squat control component, (claim 4), a compressible fluid strut (claim 14), and a control signal based on a control strategy of the plurality of control strategies corresponding to a frequency range of the plurality of frequency ranges that includes a low frequency range, a body mode frequency range, a medium frequency range, a wheel hop frequency range, and a high frequency range (claim 15), are not taught or suggested in any of the references provided by the examiner. Neither has the examiner provided a line of reasoning, supported by facts, that shows the limitations discussed above would have been obvious to one of ordinary skill in the art at the time of the invention. Accordingly, Applicants respectfully submit that claims 4, 14, and 15 are patentable over the cited art for at least the reasons provided above.

Claims 1-3 were cancelled. Claims 5-13 and 16-20 are dependant on claims 4 or 15 and are, therefore, patentable for at least the same reasons as given above for claims 4 and 15.

BRINKS  
HOFER  
GILSON  
LIONE

BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60611-5599

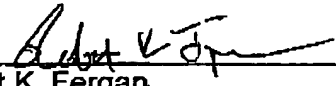
Appln. No.: 10/688,095

Attorney Docket No. 10541-1865

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

Dated: May 11, 2005  
Robert K. Fergan  
Reg. No.: 51,674  
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(734) 302-6000

BRINKS
HOFER
GILSON
& LIONE

BRINKS HOFER GILSON & LIONE  
PO Box 10395  
Chicago, IL 60611-5599